

North Smithfield Zoning Board of Review

November 18, 2008, 7:00 pm

Kendall Dean School

83 Greene Street, Slatersville

I. Zoning Board of Review Meeting

1. Roll Call

Present: Mr. Juhr, Mr. Marcantonio, Mr. Kearns, Mr. Scarpelli, Mr. Denizard, Mr. DiNunzio. Also present were Building Official Bob Benoit, Assistant Solicitor Bob Rossi, and stenographer Shelly Deming from Allied Court Reporters.

2. Disclosure of no compensation or pension credits received by the board members.

3. Approval of Minutes—October 21, 2008

Mr. Scarpelli made a motion to approve the minutes of October 21, 2008. Mr. Kearns seconded the motion, with all in favor.

4. Approval of the written decision for the application of Pound Hill Office & Building Park, LLC, granting a Special Use Permit, per sections 5.4.4 (2A)-Day Care, 5.4.5(1.2)-Other Outdoor Commercial

Recreation and 5.4.6 (7)-Indoor Commercial Recreation at 621 Pound Hill Road, Plat 8, Lot 299.

Mr. Kearns made a motion to approve the written decision for the application of Pound Hill Office & Building Park, LLC. Mr. Scarpelli seconded the motion, with all in favor.

5. Application of Primrose Valley Investment, LLC, requesting to sell natural Christmas trees, which will require a Special Use Permit, per section 5.4.1, subsection 12. Locus is 1184 Providence Pike, Plat 11, Lot 225.

Attorney Aram Jarret was present for the applicant. He stated that the applicant had appeared before the Board in 2007 for the nursery, and he now would like a special use permit to sell Christmas trees. Mr. Jarret said that a traffic study submitted with the previous application showed minor impact with this business. Because the tree sales are seasonal, they will take the place of trees the flowers and nursery stock, thereby not increasing business. Erin Gallogly, project manager from Marc Nyberg & Associates, was sworn in by the stenographer. She testified that the sale of Christmas trees will have the same traffic pattern and site plan; the nursery stock area will now be used for the Christmas trees.

Mr. Kearns asked how many parking spaces are available. Ms. Gallogly said there are 10 in back, 6 in front, and 1 handicapped

space. This will be plenty of parking for the sale of the trees, and there are no plans for parking on the street. She also testified that there will be no additional lighting or signage. Paul Pasquariello, owner of the business was sworn in by the stenographer. He testified that the time span of selling the trees will be shortly before Thanksgiving until Christmas. There will be approximately 100 trees, which will either be delivered during the day or Mr. Pasquariello will pick them up and bring them to the property. Sales operation will be from 10 am-7 pm or 8 pm during the week. He stated that the anticipated traffic will be 5- 6 cars at a time. Mr. Pasquariello stated that he may include the sale of wreaths, roping, and other all natural products.

Mr. Kearns stated that the previous special use permit for the nursery is a success story of this Board, and he is personally pleased with the current operation. Mr. Scarpelli said he agrees, and thinks the property looks nicer, and he has not seen any problems with traffic and has heard no complaints.

John Gagnon, an abutter living at 1165 Providence Pike (directly across the street) stated that the new business is very aesthetically pleasing and the traffic has great flow, even on weekends. He is in favor of the Board granting the special use permit.

Mr. Rossi stated that this application comes at a time of unusual circumstances, with some Board members' terms up on December 1

and no meetings before then to approve the written decision. He would like the Board to add language to their motion that allows the Chair to sign the decision without going before the Board again. Mr. Kearns made a motion to approve the application of Primrose Valley Investment, LLC, requesting to sell natural Christmas trees, which will require a Special Use Permit, per section 5.4.1, subsection 12. Locus is 1184 Providence Pike, Plat 11, Lot 225, with the following conditions: sales will take place from the weekend before Thanksgiving to Christmas Day from 8 am-7 pm during the week, and 10am-7pm on weekends. Mr. Juhr asked to make a condition that there will be no parking on Providence Pike, but Mr. Rossi stated that the Board has no jurisdiction since it is a state highway. He added that the findings of fact show that the parking spaces onsite are adequate. Mr. Kearns said he is confident that there will be no problems with parking, based on the current business. Mr. Scarpelli seconded the motion. Mr. Rossi stated the following findings of fact for the record: there are adequate ingress and egress to the property, the business will have the same traffic pattern as exists now, there is adequate off-street parking and loading areas, there will be no adverse impact on adjoining properties, as indicated by an abutter, there will be no additional lighting, screening and buffering is adequate, there will be no additional signs or exterior lighting exists, and the use is compatible with adjacent properties and existing use. Roll call was as follows: YES: Mr. Juhr, Mr. Kearns, Mr. Marcantonio, Mr. Scarpelli, and Mr. Denizard. Motion passed, with a vote of 5-0. Mr. Kearns made a motion to allow chair to sign the written decision

without the Board's vote. Mr. Denizard seconded the motion, with all in favor.

6. Application of Ocean State Development, LLC, requesting a dimensional variance per section 5.5.2, rear setbacks. Locus is 594 Great Road, Plat 5, Lot 297.

Architect Daniel Peloquin was sworn in by the stenographer. He stated that the applicant is seeking a variance on the rear yard setback for an egress staircase on the 2-story building. The stairs will be used for egress only, and will be located at the rear of the building. The stairs will be from the second story down to grade (approximately 12ft). He showed the Board a photograph of the proposed stairs and stated that they will not be seen from abutting properties. There will be emergency lighting, on a motion detector. The stairs are proposed so that the building can meet fire and building codes. The location of the proposed stairs is the most appropriate place on the building. The stairs did not physically fit on the interior of the building, as they would be very steep with not enough headroom. Mr. Benoit said he did a walkthrough of the building with the fire marshal and the proposed location is the only place to put the required means of egress for the second floor.

Mr. Denizard asked how many tenants will be using the second floor and whether the stairs will be accessible by all tenants. John McCarthy of Ocean State Development stated that he is not sure how

many tenants there will be since it is not yet rented, but it could be one or two. The stairs will be available to all tenants. The proposed stairs will meet the fire code.

The Chair asked the audience, but there was nobody present to speak either for or against the application. Mr. Kearns made a motion to approve the application of Ocean State Development, LLC, requesting a dimensional variance per section 5.5.2, rear setbacks. Locus is 594 Great Road, Plat 5, Lot 297. Mr. Scarpelli seconded the motion. Mr. Rossi asked that the following findings of fact be put on record so the Chair can sign written decision without it having been voted on by the Board: the preexisting building is close to property lines on 3 sides, especially in rear, is an irregular shaped building subject to granting of variance; the hardship is not the result of action of the applicant, the request is not for financial gain, and will not alter the surrounding area; the stairway will be serving needs of building to keep up to fire code, and the request is the least necessary relief; denial will be more than a mere inconvenience, as the egress is absolutely necessary for use of the building. Roll call was as follows: YES: Mr. Juhr, Mr. Kearns, Mr. Marcantonio, Mr. Scarpelli, and Mr. Denizard. Motion passed, with a vote of 5-0. Mr. Kearns made a motion to allow chair to sign the written decision without the Board's vote. Mr. Scarpelli seconded the motion, with all in favor.

Mr. Kearns made a motion to adjourn at 7:45 pm. Mr. Scarpelli seconded the motion, with all in favor.

II. Workshop Session

The workshop session was called to order by the Chair at 7:52 pm.

1. Update on Zoning Enforcement Issues

Mr. Benoit informed the board that the Tremblay issue has been resolved. The Desper complaint has been filed in the courts, but has not been heard. The final case, with Perrault on Elizabeth Avenue has also been resolved before court. Mr. Renaud is satisfied. The resolution came within the last three weeks, and was forced by purchase and sale and notice of violation.

The workshop session was adjourned at 7:55 pm.